

Washington, D.C. - The following are opening remarks by U.S. Congressman Mike Pence at a House Judiciary Committee hearing today that examined the constitutionality of the individual mandate:

"Thank you Mr. Chairman. I want to thank you for calling this hearing on what I think is perhaps the most important Constitutional question since I arrived on the Judiciary Committee in 2001.

"And that is this question of whether or not the federal government has the power under the Constitution of the United States to order Americans to purchase goods or services whether they want them or need them, or not. And I want to thank this panel: General Cuccinelli, whom I greatly admire for his thoughtful testimony and Professor Dellinger and Professor Barnett.

"This has been an important discussion, and I expect we've now added the Judiciary Committee to a chorus of kitchen tables around America, small tables in diners over coffee, because this is an argument the American people are fully engaged in. And I think it's an enormously important debate. And the disposition of this debate I think will bear greatly on the liberties of our people for generations to come.

"Professor Dellinger held up the phone book and prepared, frighteningly, to begin to recite various goods and services that could never be compelled by the federal government. And while that list may be long and I assume good faith by the witness, I fear that what would be included would be longer than what any American today would ever imagine - meaning those things that could be regulated.

"I want to associate myself strongly with something that you said, General Cuccinelli. You quoted Professor Jonathan Turley who said, 'If states lose this case it is the end of federalism.' Let me say that the effort by states like yours, like my own beloved Indiana, 27 states in all, challenging this unprecedented exercise of federal power represents potentially the rebirth of federalism in America. I leave that maybe for another hearing, Mr. Chairman.

"I think something very special is happening in America today. And it is something that I believe our founders would have, as you said General Cuccinelli, I think they would have greatly

identified with: The notion that states ought to by definition, they should feel obligated to defend the liberties of the people and defend their own prerogatives as a means of ensuring the ongoing vitality of the limited government enshrined in the Constitution of the United States and most especially defined in the Tenth Amendment.

"I want to say specifically on this issue of regulating the market, Professor Dellinger, I think you and I vigorously disagree on this, but I have great respect for your career and your intellect. Let me just stipulate. You will never convince me that the Constitution of the United States gives this government the power to order Americans to buy health insurance. You'll never convince me of that. So I don't want you to spend a lot of energy - you don't even have to come over here. Let me just tell you that's not going to happen. "